

AN ORDINANCE

98511

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF WEST HOLLYWOOD AVENUE PUBLIC RIGHT OF WAY LOCATED WEST OF WOOD CROSSING AND ADJACENT TO LOTS 5, 6, AND 7, BLOCK 73, NCB 2768, AS REQUESTED BY H.E.B. GROCERY COMPANY, L.P., A TEXAS LIMITED PARTNERSHIP, FOR THE TOTAL CONSIDERATION OF \$10,981.00.

* * * * *

WHEREAS, H.E.B. Grocery Company, L.P., as "Petitioner" and the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved portion of West Hollywood Avenue Public Right of Way located west of Wood Crossing and adjacent to Lots 5, 6 and 7, Block 73, New City Blocks 2768 in order to combine Petitioner's commercial properties for parking lot expansion; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of November 12, 2003 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on December 4, 2003, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The improved portion of West Hollywood Avenue Public Right of Way located west of Wood Crossing and adjacent to Lots 5, 6 and 7, Block 73, New City Blocks 2768, is hereby declared surplus to the needs of the City of San Antonio and is closed, vacated and abandoned as City of San Antonio public right-of-way, as requested by H.E.B. Grocery Company, L.P., a Texas Limited Partnership, Petitioner and the owner of property abutting - the closed portion, which portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. The City acknowledges receipt from the Petitioner of \$10,981.00 for the closing, vacating and abandoning ("closing"); however such closing is contingent on the Petitioner's -complying with the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

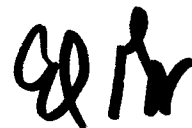
SECTION 3. The City Manager or a designee, is hereby authorized to execute any and all legal documents if and only if deemed necessary by the City Attorney's Office, to facilitate the closing of this property.

SECTION 4. The \$10,981.00 in proceeds collected from the Petitioner for the closing of this property shall be deposited into Fund No. 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 14th day of December 2003.

PASSED AND APPROVED this 4th day of December, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST:

Mary Lou Rodriguez
for City Clerk

APPROVED AS TO FORM:

Regina E. Wood
for City Attorney